

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE

Phillip A. Dye and Rebecca J. Dye  
Debtors

Bankruptcy No. 05-11619-JKF  
Chapter 13

**Related to Dkt. No. 44, Debtors' Motion  
to Show Cause and the Demand to  
Dismiss Creditor Claims With Prejudice,  
Dkt. No. 51, Response to Notice Showing  
Cause and the Demand to Dismiss  
Creditor Claims With Prejudice, Dkt. No.  
56, United States' Motion to Dismiss  
Debtors' Motion to Dismiss Creditor  
Claims With Prejudice**

**ORDER DENYING DEBTORS' MOTION TO SHOW CAUSE AND  
GRANTING UNITED STATES' MOTION TO DISMISS MOTION**

**AND NOW**, this 2<sup>nd</sup> day of September, 2005,

**WHEREAS** Debtors filed the Notice and Demand to Dismiss Creditor Claims With Prejudice at Docket No. 44;

**WHEREAS** the pleading filed by Debtors and docketed as a response, filed at Docket No. 51, is captioned "Motion to Dismiss Creditor Claims With Prejudice";

**WHEREAS** the subject of the pleadings was addressed in Debtors' prior case(s);

**WHEREAS** Debtors failed to properly serve the United States as required by Fed.R.Bankr.P. 9014 and 7004;

It is **ORDERED** that Debtors' motion at Docket No. 44 and the response at Docket No. 51, to the extent it can be construed as a motion, are **DENIED**.

It is **FURTHER ORDERED** that the United States' Motion to Dismiss Debtors' Motion is **GRANTED**.

It is FURTHER ORDERED that the Clerk shall immediately serve a copy of this Order on Debtors at both addresses listed in their pleadings.

Judith K. Fitzgerald  
Judge Judith K. Fitzgerald rmab  
United States Bankruptcy Court